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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/747,681	12/30/2003	Naoto Teshima	TESH3001/FJD	3173
23364	7590	08/25/2005	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			WHITTINGTON, KENNETH	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/747,681	Applicant(s) TESHIMA ET AL.	
	Examiner Kenneth J. Whittington	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Bot Ledynh
Primary Examiner

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper content of an abstract of the disclosure.

6 A patent abstract is a concise statement of the technical
disclosure of the patent and should include that which is new in
the art to which the invention pertains. If the patent is of a
basic nature, the entire technical disclosure may be new in the
art, and the abstract should be directed to the entire
disclosure. If the patent is in the nature of an improvement in
12 an old apparatus, process, product, or composition, the abstract
should include the technical disclosure of the improvement. In
certain patents, particularly those for compounds and
compositions, wherein the process for making and/or the use
thereof are not obvious, the abstract should set forth a process
for making and/or use thereof. If the new technical disclosure
18 involves modifications or alternatives, the abstract should
mention by way of example the preferred modification or
alternative.

The abstract should not refer to purported merits or
speculative applications of the invention and should not compare
24 the invention with the prior art.

Where applicable, the abstract should include the
following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- 30 (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should
not be given.

36 The abstract of the disclosure is objected to because it
refers to the purported merits of the invention in lines 2 and
3, i.e., "remarkably improved" capabilities and durability.
Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

6 A person shall be entitled to a patent unless -

12 (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

18 Claims 1, 2, 4, 5, 6, 8, 10, 11, 12 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Nicot (US 6,593,733). Regarding claims 1, 2, 4, 6, 8, 10, 11, 12 and 15, Nicot discloses a magnetic encoder for a motion sensor mounted on a bearing unit comprising:

24 a reinforcing ring and a multi-pole magnet for detecting the rotation speed thereof, the magnet attached to the outside surface of the reinforcing ring (See Nicot FIGS. 1 and 6, magnetic encoder 6 with support bracket enforcing ring), and

30 a peelable protective cover having a film-shape attached to a surface of the magnet (See FIGS. 2-6, item 15 or 25 and col. 3, lines 1-45), the cover provided with a handle (See FIGS. 5 and 6, item 18), wherein the protective cover is adapted to be

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removed from the surface of the magnet after assembly of the bearing unit (See col. 3, lines 12-45), and

wherein the encoder is combined with a seal member having seal lips, mounted on the bearing unit (See FIG. 1, note seal assembly 4 combined with encoder 6 to form a bearing seal).

6 Regarding claim 5, as is best understood, it is noted that the protective cover of Nicot would necessarily have some color depending on its particular material make-up. Accordingly, the protective cover of Nicot is colored.

Claim Rejections - 35 USC § 103

12 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

18 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

24 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 7, 9, 13, 14 and 16 rejected under 35 U.S.C.

103(a) as being unpatentable over Nicot in view of Liatard et

al. (US 6,232,772). Regarding these claims, Nicot teaches the

features of claims 1, 2 and 6 as discussed above and further

discloses the features of claims 9, 14 and 16 as discussed above

with respect to claims 2 and 11. Furthermore, Nicot teaches the

protective element being made of a support charged with

ferromagnetic particles (See Nicot col. 2, lines 36-49).

However, Nicot does not teach the support being a rubber.

Liatard et al. teaches protective members being made of rubber

(See Liatard et al. col. 1, lines 11-25). It would have been

obvious at the time the invention was made to use rubber for the

support in Nicot such that the protective element is rubber

charged with ferromagnetic particles, or magnetic rubber. One

having ordinary skill in the art would have been motivated to do

so because Nicot does not require any specific material for its

support in the protective element and Liatard et al. notes that

it is conventional in the art to use rubber as a protective

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element for a magnetic encoder (See Liatard et al. same paragraph).

Prior Art

The prior art made of record and not relied upon is
6 considered pertinent to applicant's disclosure. The cited prior
art discloses varying designs for protective covers and seals
for bearings having magnetic encoder sensing systems thereon.

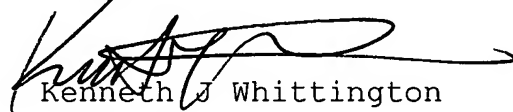
Conclusion

Any inquiry concerning this communication or earlier
12 communications from the examiner should be directed to Kenneth
J. Whittington whose telephone number is (571) 272-2264. The
examiner can normally be reached on Monday-Friday, 7:30am-
4:00pm.

If attempts to reach the examiner by telephone are
unsuccessful, the examiner's supervisor, Edward Lefkowitz can be
18 reached on (571) 272-2180. The fax phone number for the
organization where this application or proceeding is assigned is
703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kenneth J Whittington
Examiner
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